



General Assembly

Substitute Bill No. 1096

January Session, 2023



AN ACT CONCERNING THE CHARTER SCHOOL APPROVAL PROCESS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-66bb of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) (1) On and after July 1, [1997, and prior to July 1, 2015] 2023, the
4 State Board of Education may grant charters for local and state charter
5 schools in accordance with this section. [On and after July 1, 2015, such
6 state board may grant initial certificates of approval for charters for
7 local and state charter schools in accordance with this section. Upon
8 granting an initial certificate of approval for a charter, such state board
9 shall submit a copy of the initial certificate of approval for the charter
10 and a summary of the comments made at a public hearing conducted
11 pursuant to subdivision (2) of subsection (e) of this section or
12 subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section,
13 in accordance with section 11-4a, to the joint standing committees of
14 the General Assembly having cognizance of matters relating to
15 education and appropriations and the budgets of state agencies.]

16 (2) The General Assembly may appropriate funds to the
17 [Department of Education for the purposes of providing grants to local
18 and state charter schools, pursuant to section 10-66ee. If such funds are

19 appropriated, an initial certificate of approval for a charter for a local
20 or state charter school shall be effective and deemed a charter as of July
21 first of the first fiscal year for which such funds are appropriated]
22 charter school approval grant account, pursuant to section 3 of this act,
23 for the purposes of providing the initial funding for a local or state
24 charter school that has been granted a new charter. The Commissioner
25 of Education shall expend, in accordance with the provisions of section
26 10-66ee, as amended by this act, the funds appropriated to such
27 account in the fiscal year immediately following the fiscal year in
28 which such charter was granted.

29 (3) A charter [or initial certificate of approval for a charter] granted
30 under this section shall not be considered a license, as defined in
31 section 4-166, for the purposes of chapter 54.

32 (b) Any not-for-profit organization that is exempt from taxation
33 under Section 501(c)(3) of the Internal Revenue Code of 1986, or any
34 subsequent corresponding internal revenue code of the United States,
35 as amended from time to time, public or independent institution of
36 higher education, local or regional board of education or two or more
37 boards of education cooperatively, or regional educational service
38 center may apply to the Commissioner of Education, at such time and
39 in such manner as the commissioner prescribes, to [obtain an initial
40 certificate of approval for a charter] establish a charter school,
41 provided no nonpublic elementary or secondary school may be
42 established as a charter school and no parent or group of parents
43 providing home instruction may establish a charter school for such
44 instruction.

45 (c) On and after July 1, [2015] 2023, the State Board of Education
46 shall review, annually, all applications and grant [initial certificates of
47 approval for] charters, in accordance with subsections (e) and (f) of this
48 section, for a local or state charter school located in a town that has one
49 or more schools that have been designated as a commissioner's
50 network school, pursuant to section 10-223h, at the time of such
51 application, or a town that has been designated as a low achieving

52 school district, pursuant to section 10-223e, at the time of such
53 application. (1) Except as provided for in subdivision (2) of this
54 subsection, no state charter school shall enroll (A) (i) more than two
55 hundred fifty students, or (ii) in the case of a kindergarten to grade
56 eight, inclusive, school, more than three hundred students, or (B)
57 twenty-five per cent of the enrollment of the school district in which
58 the state charter school is to be located, whichever is less. (2) In the
59 case of a state charter school found by the State Board of Education to
60 have a demonstrated record of achievement, said board shall, upon
61 application by such school to said board, waive the provisions of
62 subdivision (1) of this subsection for such school. (3) The State Board of
63 Education shall give preference to applicants for charter schools (A)
64 whose primary purpose is the establishment of education programs
65 designed to serve one or more of the following student populations: (i)
66 Students with a history of low academic performance, (ii) students
67 who receive free or reduced priced lunches pursuant to federal law
68 and regulations, (iii) students with a history of behavioral and social
69 difficulties, (iv) students identified as requiring special education, (v)
70 students who are English language learners, or (vi) students of a single
71 gender; (B) whose primary purpose is to improve the academic
72 performance of an existing school that has consistently demonstrated
73 substandard academic performance, as determined by the
74 Commissioner of Education; (C) that will serve students who reside in
75 a priority school district pursuant to section 10-266p; (D) that will serve
76 students who reside in a district in which seventy-five per cent or more
77 of the enrolled students are members of racial or ethnic minorities; (E)
78 that demonstrate highly credible and specific strategies to attract,
79 enroll and retain students from among the populations described in
80 subparagraph (A)(i) to (A)(vi), inclusive, of this subdivision; or (F) that,
81 in the case of an applicant for a state charter school, such state charter
82 school will be located at a work-site or such applicant is an institution
83 of higher education. In determining whether to grant [an initial
84 certificate of approval for] a charter, the State Board of Education shall
85 consider (i) the effect of the proposed charter school on (I) the
86 reduction of racial, ethnic and economic isolation in the region in

87 which it is to be located, (II) the regional distribution of charter schools
88 in the state, (III) the potential of over-concentration of charter schools
89 within a school district or in contiguous school districts, and (IV) the
90 state's efforts to close achievement gaps, as defined in section 10-1600,
91 and (ii) the comments made at a public hearing conducted pursuant to
92 subdivision (2) of subsection (e) of this section or subparagraph (B)(ii)
93 of subdivision (1) of subsection (f) of this section.

94 (d) Applications pursuant to this section shall include a description
95 of: (1) The mission, purpose and any specialized focus of the proposed
96 charter school; (2) the interest in the community for the establishment
97 of the charter school; (3) the school governance and procedures for the
98 establishment of a governing council that (A) includes (i) teachers and
99 parents and guardians of students enrolled in the school, and (ii) the
100 chairperson of the local or regional board of education of the town in
101 which the charter school is located and which has jurisdiction over a
102 school that resembles the approximate grade configuration of the
103 charter school, or the designee of such chairperson, provided such
104 designee is a member of the board of education or the superintendent
105 of schools for the school district, or the superintendent's designee, and
106 (B) is responsible for the oversight of charter school operations,
107 provided no member or employee of the governing council may have a
108 personal or financial interest in the assets, real or personal, of the
109 school; (4) the financial plan for operation of the school, provided no
110 application fees or other fees for attendance, except as provided in this
111 section, may be charged; (5) the educational program, instructional
112 methodology and services to be offered to students; (6) the number
113 and qualifications of teachers and administrators to be employed in the
114 school; (7) the organization of the school in terms of the ages or grades
115 to be taught and the total estimated enrollment of the school; (8) the
116 student admission criteria and procedures to (A) ensure effective
117 public information, (B) ensure open access on a space available basis,
118 including the enrollment of students during the school year if spaces
119 become available in the charter school, (C) promote a diverse student
120 body, and (D) ensure that the school complies with the provisions of

121 section 10-15c and that it does not discriminate on the basis of
122 disability, athletic performance or proficiency in the English language,
123 provided the school may limit enrollment to a particular grade level or
124 specialized educational focus and, if there is not space available for all
125 students seeking enrollment, the school may give preference to siblings
126 but shall otherwise determine enrollment by a lottery, except the State
127 Board of Education may waive the requirements for such enrollment
128 lottery pursuant to subsection (j) of this section; (9) a means to assess
129 student performance that includes participation in mastery
130 examinations, pursuant to section 10-14n; (10) procedures for teacher
131 evaluation and professional development for teachers and
132 administrators; (11) the provision of school facilities, pupil
133 transportation and student health and welfare services; (12)
134 procedures to encourage involvement by parents and guardians of
135 enrolled students in student learning, school activities and school
136 decision-making; (13) procedures to document efforts to increase the
137 racial and ethnic diversity of staff; (14) a five-year plan to sustain the
138 maintenance and operation of the school; (15) a student recruitment
139 and retention plan that shall include, but not be limited to, a clear
140 description of a plan and the capacity of the school to attract, enroll
141 and retain students from among the populations described in
142 subparagraph (A)(i) to (A)(v), inclusive, of subdivision (3) of
143 subsection (c) of this section; (16) a plan to share student learning
144 practices and experiences with the local or regional board of education
145 of the town in which the proposed charter school is to be located; and
146 (17) in the case of an application in which the governing council of the
147 proposed charter school intends to contract with a charter
148 management organization for whole school management services: (A)
149 Evidence of the charter management organization's ability to (i) serve
150 student populations that are similar to the student population that will
151 be served by the proposed charter school, (ii) create strong academic
152 outcomes for students, and (iii) successfully manage nonacademic
153 school functions, (B) a term sheet that sets forth (i) the length of the
154 contract for whole school management services, (ii) the roles and
155 responsibilities of the governing council of the proposed charter

156 school, the staff of the proposed charter school and the charter
157 management organization, (iii) the scope of services and resources to
158 be provided by the charter management organization, (iv) the
159 performance evaluation measures and timelines, (v) the compensation
160 structure, including a clear identification of all fees to be paid to the
161 charter management organization, (vi) the methods of contract
162 oversight and enforcement, and (vii) the conditions for renewal and
163 termination of the contract, and (C) evidence of compliance with the
164 provisions of section 10-66tt. Subject to the provisions of subsection (b)
165 of section 10-66dd, an application may include, or a charter school may
166 file, requests to waive provisions of the general statutes and
167 regulations not required under sections 10-66aa to 10-66nn, inclusive,
168 and which are within the jurisdiction of the State Board of Education.

169 (e) An application for the establishment of a local charter school
170 shall be submitted to the local or regional board of education of the
171 school district in which the local charter school is to be located for
172 approval pursuant to this subsection. The local or regional board of
173 education shall: (1) Review the application; (2) hold a public hearing in
174 the school district on such application; (3) survey teachers and parents
175 in the school district to determine if there is sufficient interest in the
176 establishment and operation of the local charter school; and (4) vote on
177 a complete application not later than seventy-five days after the date of
178 receipt of such application. Such board of education may approve the
179 application by a majority vote of the members of the board present and
180 voting at a regular or special meeting of the board called for such
181 purpose. If the application is approved, the board shall forward the
182 application to the State Board of Education. The State Board of
183 Education shall vote on the application not later than sixty days after
184 the date of receipt of such application. Subject to the provisions of
185 subsection (c) of this section, the State Board of Education may
186 approve the application and grant [the initial certificate of approval for
187 the] a charter for the local charter school or reject such application by a
188 majority vote of the members of the state board present and voting at a
189 regular or special meeting of the state board called for such purpose.

190 The State Board of Education may condition [granting the initial
191 certificate of approval for the charter for the local charter school on the
192 applicant] the opening of such school on the school's meeting certain
193 conditions determined by the Commissioner of Education to be
194 necessary and may authorize the commissioner to release [the initial
195 certificate of approval for] the charter when the commissioner
196 determines such conditions are met. [After an initial certificate of
197 approval for a charter for a local charter school is deemed a charter
198 pursuant to subdivision (2) of subsection (a) of this section, such
199 charter may be valid] The state board may grant the charter for the
200 local charter school for a period of time of up to five years. The state
201 board may allow the applicant to delay its opening for a period of up
202 to one school year in order for the applicant to fully prepare to provide
203 appropriate instructional services. On and after July 1, [2015, any
204 initial certificate of approval for a] 2023, a charter granted by the state
205 board to a local charter school shall include academic and
206 organizational performance goals, developed by the state board, that
207 set forth the performance indicators, measures and metrics that will be
208 used by the state board to evaluate the local charter school.

209 (f) (1) Except as otherwise provided in subdivision (2) of this
210 subsection, an application for the establishment of a state charter
211 school shall be (A) submitted to the State Board of Education for
212 approval in accordance with the provisions of this subsection, and (B)
213 filed with the local or regional board of education in the school district
214 in which the charter school is to be located. The state board shall: (i)
215 Review such application; (ii) hold a public hearing on such application
216 in the school district in which such state charter school is to be located;
217 (iii) solicit and review comments on the application from the local or
218 regional board of education for the school district in which such
219 charter school is to be located and from the local or regional boards of
220 education for school districts that are contiguous to the district in
221 which such school is to be located; and (iv) vote on a complete
222 application not later than ninety days after the date of receipt of such
223 application. The State Board of Education may approve an application

224 and grant [the initial certificate of approval for] the charter for the state
225 charter school by a majority vote of the members of the state board
226 present and voting at a regular or special meeting of the state board
227 called for such purpose. The State Board of Education may condition
228 [granting the initial certificate of approval for the charter for the state
229 charter school on the applicant] the opening of such school on the
230 school's meeting certain conditions determined by the Commissioner
231 of Education to be necessary and may authorize the commissioner to
232 release [the initial certificate of approval for] the charter when the
233 commissioner determines such conditions are met. [After an initial
234 certificate of approval for a charter for a state charter school is deemed
235 a charter pursuant to subdivision (2) of subsection (a) of this section,
236 such charter may be valid] Charters shall be granted for a period of
237 time of up to five years. The state board may allow the applicant to
238 delay its opening for a period of up to one school year in order for the
239 applicant to fully prepare to provide appropriate instructional services.
240 On and after July 1, [2015, any initial certificate of approval for a] 2023,
241 a charter granted by the state board to a state charter school shall
242 include academic and organizational performance goals, developed by
243 the state board, that set forth the performance indicators, measures
244 and metrics that will be used by the state board to evaluate the state
245 charter school.

246 (2) [On and after July 1, 2012, and before July 1, 2015, the State
247 Board of Education shall not approve more than four applications for
248 the establishment of new state charter schools unless two of the four
249 such applications are for the establishment of two new state charter
250 schools whose mission, purpose and specialized focus is to provide
251 dual language programs or other models focusing on language
252 acquisition for English language learners. Approval of applications
253 under this subdivision shall be in accordance with the provisions of
254 this section.] For the fiscal year ending June 30, 2024, and each fiscal
255 year thereafter, the State Board of Education shall not approve more
256 than two applications for the establishment of a new state charter
257 school in any fiscal year.

258 (g) Charters may be renewed, upon application, in accordance with
259 the provisions of this section for the granting of such charters. Upon
260 application for such renewal, the State Board of Education may
261 commission an independent appraisal of the performance of the
262 charter school that includes, but is not limited to, an evaluation of the
263 school's compliance with the provisions of this section and, on and
264 after July 1, 2015, progress in meeting the academic and organizational
265 performance goals set forth in the charter granted to the charter school.
266 The State Board of Education shall consider the results of any such
267 appraisal in determining whether to renew such charter. The State
268 Board of Education may deny an application for the renewal of a
269 charter if (1) student progress has not been sufficiently demonstrated,
270 as determined by the commissioner, (2) the governing council has not
271 been sufficiently responsible for the operation of the school or has
272 misused or spent public funds in a manner that is detrimental to the
273 educational interests of the students attending the charter school, (3)
274 the school has not been in compliance with the terms of the charter,
275 applicable laws and regulations, (4) the efforts of the school have been
276 insufficient to effectively attract, enroll and retain students from
277 among the following populations: (A) Students with a history of low
278 academic performance, (B) students who receive free or reduced
279 priced lunches pursuant to federal law and regulations, (C) students
280 with a history of behavioral and social difficulties, (D) students
281 identified as requiring special education, or (E) students who are
282 English language learners, or (5) the governing council of the state or
283 local charter school has not provided evidence that such council has
284 initiated substantive communication with the local or regional board of
285 education of the town in which the state or local charter school is
286 located to share student learning practices and experiences. If the State
287 Board of Education does not renew a charter, it shall notify the
288 governing council of the charter school of the reasons for such
289 nonrenewal. On and after July 1, 2015, any charter renewed by the
290 State Board of Education shall include academic and organizational
291 performance goals, developed by the state board, that set forth the
292 performance indicators, measures and metrics that will be used by the

293 state board to evaluate the charter school.

294 (h) The Commissioner of Education may at any time place a charter
295 school on probation if (1) the school has failed to (A) adequately
296 demonstrate student progress, as determined by the commissioner, (B)
297 comply with the terms of its charter or with applicable laws and
298 regulations, (C) achieve measurable progress in reducing racial, ethnic
299 and economic isolation, or (D) maintain its nonsectarian status, or (2)
300 the governing council has demonstrated an inability to provide
301 effective leadership to oversee the operation of the charter school or
302 has not ensured that public funds are expended prudently or in a
303 manner required by law. If a charter school is placed on probation, the
304 commissioner shall provide written notice to the charter school of the
305 reasons for such placement, not later than five days after the
306 placement, and shall require the charter school to file with the
307 Department of Education a corrective action plan acceptable to the
308 commissioner not later than thirty-five days from the date of such
309 placement. The charter school shall implement a corrective action plan
310 accepted by the commissioner not later than thirty days after the date
311 of such acceptance. The commissioner may impose any additional
312 terms of probation on the school that the commissioner deems
313 necessary to protect the educational or financial interests of the state.
314 The charter school shall comply with any such additional terms not
315 later than thirty days after the date of their imposition. The
316 commissioner shall determine the length of time of the probationary
317 period, which may be up to one year, provided the commissioner may
318 extend such period, for up to one additional year, if the commissioner
319 deems it necessary. In the event that the charter school does not file or
320 implement the corrective action plan within the required time period
321 or does not comply with any additional terms within the required time
322 period, the Commissioner of Education may withhold grant funds
323 from the school until the plan is fully implemented or the school
324 complies with the terms of probation, provided the commissioner may
325 extend the time period for such implementation and compliance for
326 good cause shown. Whenever a charter school is placed on probation,

327 the commissioner shall notify the parents or guardians of students
328 attending the school of the probationary status of the school and the
329 reasons for such status. During the term of probation, the
330 commissioner may require the school to file interim reports concerning
331 any matter the commissioner deems relevant to the probationary
332 status of the school, including financial reports or statements. No
333 charter school on probation may increase its student enrollment or
334 engage in the recruitment of new students without the consent of the
335 commissioner.

336 (i) The State Board of Education may revoke a charter if a charter
337 school has failed to: (1) Comply with the terms of probation, including
338 the failure to file or implement a corrective action plan; (2)
339 demonstrate satisfactory student progress, as determined by the
340 commissioner; (3) comply with the terms of its charter or applicable
341 laws and regulations; or (4) manage its public funds in a prudent or
342 legal manner. Unless an emergency exists, prior to revoking a charter,
343 the State Board of Education shall provide the governing council of the
344 charter school with a written notice of the reasons for the revocation,
345 including the identification of specific incidents of noncompliance with
346 the law, regulation or charter or other matters warranting revocation
347 of the charter. The State Board of Education shall also provide the
348 governing council with the opportunity to demonstrate compliance
349 with all requirements for the retention of its charter by providing the
350 State Board of Education or a subcommittee of the board, as
351 determined by the State Board of Education, with a written or oral
352 presentation. Such presentation shall include an opportunity for the
353 governing council to present documentary and testimonial evidence to
354 refute the facts cited by the State Board of Education for the proposed
355 revocation or in justification of its activities. Such opportunity shall not
356 constitute a contested case within the meaning of chapter 54. The State
357 Board of Education shall determine, not later than thirty days after the
358 date of an oral presentation or receipt of a written presentation,
359 whether and when the charter shall be revoked and notify the
360 governing council of the decision and the reasons therefor. A decision

361 to revoke a charter shall not constitute a final decision for purposes of
362 chapter 54. In the event an emergency exists in which the
363 commissioner finds that there is imminent harm to the students
364 attending a charter school, the State Board of Education may
365 immediately revoke the charter of the school, provided the notice
366 concerning the reasons for the revocation is sent to the governing
367 council not later than ten days after the date of revocation and the
368 governing council is provided an opportunity to make a presentation
369 to the board not later than twenty days from the date of such notice.

370 (j) (1) The governing council of a state or local charter school may
371 apply to the State Board of Education for a waiver of the requirements
372 of the enrollment lottery described in subdivision (8) of subsection (d)
373 of this section, provided such state or local charter school has as its
374 primary purpose the establishment of education programs designed to
375 serve one or more of the following populations: (A) Students with a
376 history of behavioral and social difficulties, (B) students identified as
377 requiring special education, (C) students who are English language
378 learners, or (D) students of a single gender.

379 (2) An enrollment lottery described in subdivision (8) of subsection
380 (d) of this section shall not be held for a local charter school that is
381 established at a school that is among the schools with a percentage
382 equal to or less than five per cent when all schools are ranked highest
383 to lowest in accountability index scores, as defined in section 10-223e.

384 Sec. 2. Section 10-66rr of the general statutes is repealed and the
385 following is substituted in lieu thereof (*Effective July 1, 2023*):

386 On and after July 1, 2015, the State Board of Education shall require
387 members of the governing council of a state or local charter school and
388 members of a charter management organization to submit to a records
389 check of the Department of Children and Families child abuse and
390 neglect registry, established pursuant to section 17a-101k, and to state
391 and national criminal history records checks before the state board
392 grants [initial certificates of approval for] charters pursuant to section

393 10-66bb, as amended by this act, or before such members may be hired
394 by the governing council of a state or local charter school or charter
395 management organization. The governing council of a state or local
396 charter school shall require each contractor doing business with a state
397 or local charter school, who performs a service involving direct student
398 contact, to submit to a records check of the Department of Children
399 and Families child abuse and neglect registry, established pursuant to
400 section 17a-101k, and to state and national criminal history records
401 checks before such contractor begins to perform such service.

402 Sec. 3. (NEW) (*Effective from passage*) There is established an account
403 to be known as the charter school approval grant account which shall
404 be a separate, nonlapsing account within the General Fund. The
405 account shall contain any moneys required by law to be deposited in
406 the account. Moneys in the account shall be expended by the
407 Commissioner of Education, in accordance with the provisions of
408 section 10-66ee of the general statutes, as amended by this act, for the
409 purpose of providing the initial funding for any local or state charter
410 school that has been granted (1) an initial certificate of approval for a
411 charter pursuant to section 10-66bb of the general statutes, revision of
412 1958, revised to January 1, 2023, on or after March 1, 2023, but prior to
413 July 1, 2023, by the State Board of Education, or (2) on and after July 1,
414 2023, a new charter pursuant to section 10-66bb of the general statutes,
415 as amended by this act. The commissioner shall pay such funds to such
416 local or state charter school in the fiscal year immediately following the
417 fiscal year in which such initial certificate of approval for a charter or
418 charter was granted.

419 Sec. 4. Section 10-66ee of the general statutes is amended by adding
420 subsection (o) as follows (*Effective from passage*):

421 (NEW) (o) Any unexpended funds appropriated for purposes of this
422 section shall not lapse at the end of the fiscal year but shall be
423 deposited in the charter school approval grant account, established
424 pursuant to section 3 of this act, and shall be available for expenditure
425 during the next fiscal year in accordance with the provisions of said

426 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	10-66bb
Sec. 2	<i>July 1, 2023</i>	10-66rr
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	10-66ee(o)

ED

Joint Favorable Subst. C/R

APP